

**Introduced by Senator Machado**

February 24, 2006

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An act to amend Section 736 of the Welfare and Institutions Code, relating to juveniles.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1742, as introduced, Machado. Juvenile justice.

Existing law establishes the Youth Authority and requires it to accept a person committed to it if it believes that the person can be materially benefited by its reformatory and educational discipline and if it has adequate facilities to provide that care.

This bill would instead make the Division of Juvenile Justice the entity responsible for these duties and would make related changes to that provision.

Existing law requires the Youth Authority to accept a person committed to it, provided that the Director of the Youth Authority certifies that staff and institutions are available if that person is a borderline psychiatric or borderline mentally deficient case, sex deviate, as specified, or if he or she suffers from a primary behavior disorder. Existing law prohibits a person to be transported to a facility under the jurisdiction of the Youth Authority until the director of that agency has notified the committing court of the place to which the person is to be transported and the time at which that person can be received.

This bill would delete those provisions.

Existing law requires the Director of the Youth Authority and the Director of the State Department of Mental Health to annually confer and establish policy with respect to the types of cases that should be the responsibility of each department.

This bill would instead provide that to determine who is best served by the Division of Juvenile Justice and who would be better served by the State Department of Mental Health, the Chief Deputy Director of the Division of Juvenile Justice to confer with the Director of the State Department of Mental Health regarding these duties.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 736 of the Welfare and Institutions  
2 Code is amended to read:

3 736. (a) ~~The Youth Authority~~ *Division of Juvenile Justice*  
4 shall accept a person committed to it pursuant to this article if it  
5 believes that the person can be materially benefited by its  
6 reformatory and educational discipline, and if it has adequate  
7 facilities, *staff, and programs* to provide that care. No person  
8 subject to this section shall be transported to any facility under  
9 the jurisdiction of the ~~Youth Authority~~ *Division of Juvenile*  
10 *Justice* until the director thereof has notified the committing  
11 court of the place to which that person is to be transported and  
12 the time at which he or she can be received.

13 (b) ~~The Youth Authority shall also accept a person committed~~  
14 ~~to it pursuant to this article, provided that the Director of the~~  
15 ~~Youth Authority certifies that staff and institutions are available~~  
16 ~~(1) if he is a borderline psychiatric or borderline mentally~~  
17 ~~deficient case, (2) if he or she is a sex deviate unless he or she is~~  
18 ~~of a type whose presence in the community, under parole~~  
19 ~~supervision, would present a menace to the public welfare, or (3)~~  
20 ~~if he or she suffers from a primary behavior disorder. No person~~  
21 ~~subject to this section shall be transported to any facility under~~  
22 ~~the jurisdiction of the Youth Authority until the director thereof~~  
23 ~~has notified the committing court of the place to which that~~  
24 ~~person is to be transported and the time at which he can be~~  
25 ~~received. To implement the administration of this paragraph~~  
26 ~~determine who is best served by the Division of Juvenile Justice~~  
27 ~~and who would be better served by the State Department of~~  
28 ~~Mental Health, the Director of the Youth Authority Chief Deputy~~  
29 ~~Director of the Division of Juvenile Justice and the Director of~~  
30 ~~the State Department of Mental Health shall, at least annually,~~

- 1 confer and establish policy with respect to the types of cases
- 2 ~~which~~ *that* should be the responsibility of each department.

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